

## AMERICAN SHIP TORPEDOED

Thirteen Appeals By Slackers and Traitors Settled By Justice White

## BRITISH CROSS THE PIAVE RIVER

## DRAFT ACT DECLARED CONSTITUTIONAL BY U.S. SUPREME COURT

WASHINGTON, Jan. 7.—The selective service draft act was today held constitutional by the supreme court.

The government's contention that the power given congress to declare war includes power to compel citizens to render military service, both at home and abroad, were sustained by the court.

Chief Justice White, who delivered the unanimous opinion, in a brief statement declaring that after considering the various contentions the conclusion had been reached that most of them were imaginary rather than real.

**Thirteen Appeals Settled.**  
The decision resulted from the appeals of thirteen cases growing out of convictions under the selective service act, five coming from New York, three from Ohio, four from Minnesota and one from Georgia. Constitutionality of the act was questioned in all the appeals.

**New York Cases.**  
The cases from New York were those of Louis Kramer, Morris Becker, Emma Goldman, Alexander Berkman and Meyer Graubard. The first four were convicted of attempting to induce others, of draft age, not to register, and an additional charge of failure to register was made against Kramer, who was sentenced to two years imprisonment. Becker was sentenced to one year and eight months in jail, while Emma Goldman and Berkman were ordered imprisoned for two years and fined \$10,000 each. A one-year sentence was given Graubard for failing to register.

**Ohio Slacker Sentenced.**  
Charles E. Ruthenberg, Albert Wagenknecht and Charles Baker were convicted in the Ohio federal district court on a charge of inducing Alphonse J. Schuyte not to register. Each was sentenced to one year imprisonment in the Stark county workhouse at Canton, Ohio.

**The Minnesota Cases.**  
Joseph F. Arver, Alfred P. Grahl, Otto and Walter Wangerin, indicted for failing to register and sentenced to serve one year each in the Minnesota state reformatory. The Georgia case was based on the refusal of the federal district court to grant a writ of habeas corpus to Albert Jones, a negro arrested and confined in jail for refusing to register on June 5.

**Chief Justice White's Decision.**  
Chief Justice White in his opinion said:

"The law, as its title states, was intended to supply primarily the military force which was required by the existing emergency, the war then and now in progress."

(Here the chief justice recited the provisions of the act and the contentions of those who attacked its constitutionality.)

"The position of authority to enact the statute," said the chief justice, "must be found in the clauses of the constitution giving congress power to declare war, . . . to raise and support armies but no appropriation of money to that use shall be for a longer term than two years. . . . to make rules for the government and regulation of the land and naval forces."

"As the mind cannot conceive an army without the men to compose it, on the face of the constitution, the objection that does not give power to provide for such men would seem to be too frivolous for further notice. It is said, however, that since, under the constitution, as originally framed, state citizenship was primary and United States citizenship but derivative and dependent thereon, therefore the power conferred upon congress to raise armies was only coterminous with United States citizenship and could not be exerted so as to cause that citizenship to lose its dependent character and dominate state citizenship."

**Constitution Is Supreme.**  
"But the proposition simply denies to congress the power to raise armies which the constitution gives. That power by the very terms of the constitution being delegated to supreme power, the contention amply assails the wisdom of the framers of the constitution in conferring authority on congress and in not retaining, as it was, under either confederation in the several states. Further, it is said the right to provide is not denied by calling for volunteer enlistment but it does not, and can not, include the power to exact enforced military service by the citizen. This, however, challenges the existence of all power for a governmental power which has no sanction to it and which, therefore, can only be exercised provided the citizen consents to its exertion, is in no substantial sense a power."

"It is argued, however, that though it is abstractly true it is not concretely so because as compelled military service is repugnant to a free government, and in conflict with all the great guarantees of the constitution as to individual liberty. It must be assumed that the authority to raise armies was intended to be limited to the right to call an army into existence counting alone upon the willingness of the citizen to do his duty in time of public need, that is, in time of war. But the premise of this proposition is so devoid of any foundation that it leaves not even a shadow of ground upon which to base the conclusion."

"It remains only to consider contentions which, while not disputing power, challenge the act because of the repugnancy to the constitution supposed to result from some of its provisions."

"First, we are of the opinion that the contention that the act is void as a delegation of federal power to state officials because of some of its provisions is without foundation."

"On these lines," it adds, "the nation can go forward with clear conscience and firm purpose. They are the lines of a clean peace and we must stand by them firmly, unyieldingly. It is a peace of the people."

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**Mind of Entente Spoken.**  
The Daily Express says the premier has spoken the entire mind of the entente. Germany, it adds, finds herself taken seriously and it is the supreme test of her sincerity. To the Daily Chronicle, the board terms in which the aim of an effective league of nations is formulated, seem among the most valuable parts of the historical utterance.

The views of the Morning Post is that victory is the only aim worth considering and, if British governments had conducted the war from the beginning on that principle, victory would have been won long ago. It approves of the premier's statement by implication in saying that it assumes that the speech means the country will go on to victory despite all sacrifices.

**Landmark in War.**  
The Daily News describes the statement as a landmark in the war, "bringing us, and we take it, our allies generally into line with the policy President Wilson constantly has formulated."

**Important State Document.**  
The declaration of war. It condemns the moderation of the statement which it thinks may disconcert some allies and even lend itself to the enemy misrepresentation. The Daily Mail says that nothing could be more simple or more democratic than the statement, and that the whole British people are solid behind it. The Germans, it declares, will never get better terms.

Premier Lloyd George's assertion that he was not speaking for the government but for the nation and the empire, the Daily Telegraph thinks, will remove a load of anxiety from many troubled minds. It says that all the primary essentials for peace terms are included in the statement which, however, it anticipates will draw a cry of increased rage from Germany.

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## MASSES SAID FOR DEAD SOLDIERS

Churches of France Honor Both French and Americans in Solemn Ceremonies.

## NATIONAL CELEBRATION

Many Pilgrims Travel Miles to Worship at Birthplace of Joan of Arc.

WITH THE AMERICAN ARMY IN FRANCE, Sunday, Jan. 6.—(By the Associated Press)—Masses for both American and French dead were said in the churches of France today on the occasion of the national celebration of the birthday of Joan of Arc. At her birthplace, the little village of Domremy, many pilgrims who had come miles to worship at the little church where France's saint was baptized, were unable to gain entrance during the services and knelt in the snow while mass was being celebrated.

Within the church American and French flags were draped over the altar where Joan of Arc worshipped. Pilgrims and some newspaper correspondents, who had traveled a long distance in order to be present, were received by the local priests at the conclusion of the ceremonies, at which a battalion of French troops assisted.

officials because of some of its administrative features is too wanting in merit to require further notice.

"Second, we think that the contention that the statute is void because vesting administrative office with legislative discretion has been so completely adversely settled as to require reference only to some of the decided cases. A like conclusion, also, dispenses of a similar claim concerning the conferring of judicial power. And, finally, the proposition that an establishment of a religion, or an interference with the free exercise thereof, repugnant to the first amendment resulted from the exemption clauses of the act to which we at the outset referred because we think its unsoundness too apparent to require us to do more."

"Finally, as we are unable to conceive upon what theory the exaction by government from the citizen of the performance of his supreme and noble duty of contributing to the defense of the rights and honor of the nation as the result of a war declared by the great representative body of the people can be said to be the imposition of involuntary servitude in violation of the prohibition of the thirteen amendment and we are constrained to the conclusion that the contention to that effect is refuted by its mere statement."

In holding the law constitutional, the court took no action in these cases involving charges of conspiracy to the carrying out of the purposes of the law. These, it is understood, will be taken up by the court later. That question is involved in the cases of Alexander Berkman and Emma Goldman, Louis Kramer and Morris Becker, convicted in New York on the same charge and the so-called Ohio cases.

**STEAMSHIP IS ASHORE.**  
A CANADIAN ATLANTIC PORT, Jan. 7.—A Canadian steamship of 2600 tons went ashore today during a dense fog on the Cape Breton coast. Vessels have been dispatched to her assistance.

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## GERMANS SINK A STEAMER

Vessel Goes Down and Eight of Crew Are Missing.

## BRITISH CROSS PIAVE

Passage of River at Several Points Cause Enemy Alarm.

NEW YORK, Jan. 7.—The American steamship Harry Luchenbach has been torpedoed and sunk with loss of life according to word received by the owners of the vessel today.

Eight of the crew are missing, the officers were informed. The crew consisted of thirty men, not including the naval guard.

ROME, Jan. 7.—British patrols have again crossed the Piave river, the war office announces. They forced a passage at various points, causing alarm in the enemy lines.

LONDON, Jan. 7.—An official report received today from Aden, a British port on the southern coast of Arabia, says the British destroyed the defenses of Hatum on Saturday. Severe casualties were inflicted on the enemy.

LONDON, Jan. 7.—"There was occasional hostile artillery activity southeast of Messines (Flanders)," says today's official report.

**REVIEW OF WAR SITUATION.**  
Russian efforts to have Germany acquiesce in the transfer of peace negotiations from Brest-Litovsk to German control, to the neutral city of Stockholm, apparently have failed. An official statement issued at Berlin says that a German crown council meeting discussed the Russian demand, after which the sittings had been temporarily suspended.

The report from German sources that fear of entente interests would endanger the work of the plenipotentiaries is not confirmed from Petrograd. Foreign Minister Trotsky went to Brest-Litovsk in a vain attempt to persuade the Germans to go to Stockholm.

In Germany the political situation is much disturbed over the attitude of the liberal parties concerning the government's stand on the proposed transfer. The socialists appear to be the stumbling block and there is danger that they may desert the reichstag majority, making it necessary for the government to reform the party alignments.

Berlin has discussed an official denial that General von Ludendorff, first quartermaster general, has resigned. The general, with his chief, Field Marshal von Hindenburg, was present at the crown council which decided to suspend the Russian negotiations.

There have been more lively activities on the western front but no operations in strength. In Flanders near Arras and southeast of Verdun the infantry fighting was liveliest but little change in position is reported. In France and on the Italian northern front the artillery firing has been above normal at several points.

**MONTANA PIONEER DEAD.**  
DENVER, Colo., Jan. 7.—Jacob Scherrer, formerly of Helena, Mont., and who crossed the western plains in an ox train in 1859, died at his home here today. He was a native of Missouri and 80 years old.

**AUSTRIAN LEADER DIES.**  
AMSTERDAM, Jan. 7.—The death of Engelbert Dornstorfer, the Austrian Socialist leader, is announced in a dispatch from Vienna. He had been vice president of the lower house of the Austrian diet since 1909.

**American Woman Recovering.**  
The passengers report that Mrs. Juan Rene, an American woman, wife of a Mazatlan physician, is recovering.

## RAILROAD HEADS TO STATE NEEDS

Must Detail Precise Purposes for Which Funds Will Be Used.

## DEFINITE STATISTICS

Plans Depend on Action of Congress on Pending Railroad Bill.

WASHINGTON, Jan. 7.—As the first step in government assistance of railroad financing, all presidents were requested by Interstate Commerce Commissioner Daniels to telegraph him immediately the amount of capital required for this year and also for the first six months of the year.

This action was taken at the direction of Director-General McAdoo. Railroad presidents were asked to detail the precise purposes for which funds would be needed to meet maturing securities, not already provided for, to pay for improvements, betterments and construction work already contracted for and partially finished. Roads were requested also to show what portion of improvements already started can be stopped now without detriment.

Another item sought by Commissioner Daniels in an approximate estimate of capital necessary to provide for new construction work, improvements and betterments, including additional terminals and new equipment. Presidents were asked to specify what part of their financial requirements during this year, are not absolutely necessary for protection of property or maintenance of earnings.

A definite statement also is sought as to the character of securities which each company had planned to issue. Additional information may be sought by the interstate commerce commission or the director-general later.

The railroad administration's financial plans have included the purchasing of a government fund of securities to be issued by the railroads under government operation. This plan is only tentative, however, and depends on the action of congress on the pending railroad bill.

## HOUSE HEARINGS BEGIN

WASHINGTON, Jan. 7.—Hearings began today before the house appropriations committee on an urgent deficiency appropriation bill whose total, approximately \$4,100,000,000 breaks all records for deficiency measures. Secretary Lansing appeared before the committee to explain the necessity of large funds for the state department to meet its current year needs in connection with the war.

## Germany Recognizes Finnish Republic

AMSTERDAM, Jan. 7.—Germany has recognized the Finnish republic. An official dispatch from Berlin says that after the Russian government declared its willingness to recognize the independence of Finland as soon as the application of the Finns was received and after the Finnish government had taken a corresponding step at Petrograd which was received favorably, the German emperor charged the imperial chancellor to express in the name of the German government recognition of the Finnish government to plenipotentiaries of Finland now in Berlin. Chancellor von Hertling received the plenipotentiaries Sunday and informed them Germany had recognized Finland.

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## Survivors of Yaqui Attack

Tell of Fearful Death Orgy

TUCSON, Ariz., Jan. 7.—Survivors of the Yaqui attack on a Southern Pacific of Mexican train south of Guaymas on Wednesday last when thirty-seven passengers were killed, arrived here early this morning, bringing additional details of the massacre and confirmation of reports that the Indians had carried away a number of young Mexican women.

Newspapers arriving from Guaymas also report the kidnapping of more than a score of women and say posse have joined federal troops in attempts to rescue them.

**American Woman Recovering.**  
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## BOLSHEVIKI ARE STRENGTHENING THE RUSSIAN FRONT

LONDON, Jan. 7.—The Bolsheviki are definitely strengthening the front, Petrograd advices say. The correspondent of the Daily News obtained this information from M. Radek, one of the Russian delegates who took a prominent part in the negotiations with the Austrians and Germans at Petrograd. He said the Bolsheviki were sending home all those who did not wish to fight so that they would have an army which was willing to fight for an ideal.

The correspondent asked "what would be the attitude of the Bolsheviki in case of actual war with regard to help from the Allies?"

"We do not desire their help. Our strength lies in our weakness and if we accepted help from the Allies the significance of our position would be destroyed. The weaker we are the stronger we are. The Germans can drive us back, but what good would it do them?"

"The country behind the front has been stripped bare. There is not enough there to feed a single horse. The Germans will not want millions of starving persons on their hands. We strive for a democratic peace. So do the German working classes. If the German government attacks us it will display itself to its own people in its true light."

A telegram from Brest-Litovsk to Amsterdam gives a wireless message sent to M. Joffe, chairman of the Russian delegation, by Foreign Minister von Kuehlmann for the German delegation, Foreign Minister Czernin for the Austrians, Foreign Minister Neashtmy for the Turks, and Minister of Justice Popoff for the Bulgarians. It recalls that when the Central powers outlined the terms on which they were willing to make peace they stipulated that these terms would be valid, only if all the belligerents bound themselves within a certain period to observe them. The Russians then fixed ten days as the period in which the other belligerents were to decide whether to join in the negotiations but although this time elapsed January 4 nothing has been heard from them.

Another telegram from Brest-Litovsk states that informal discussions there on Friday between the Ukrainians and the Germans took a direction favorable to Germany.

A Petrograd dispatch to the Daily Mail says that General Neashtmy, head of the French military mission, replied to Foreign Minister Trotsky's complaint respecting French military propaganda by stating that certain news received from Stockholm had been issued by a young officer by mistake. The general promised that no such mistake would be made again. M. Trotsky replied with a demand that the officer in question leave Russia.

The correspondent adds that it is a pity that some of the Allied diplomats pretend to ignore M. Trotsky while in fact they are obliged to recognize his authority.

Referring to the same incident a Reuter dispatch from Petrograd says M. Trotsky ordered the immediate closing of the French bureau and removal of the wireless apparatus and the immediate recall to Petrograd of French officers in the war zone.

Colonel E. D. Swinton, assistant secretary of the war cabinet, and one of the originators of the British tank, will accompany the British representatives as an attaché.

The appointment of the lord chief justice is primarily for war purposes and probably means that Viscount Northcliffe will not return to the United States as head of the British commission. Lord Northcliffe will continue the active direction in England of the American officers station which have just been established in Crewe house, a spacious, famous old mansion in the heart of Mayfair. Lord Crewe has loaned to the government for the duration of the war.

Earl Reading was attorney-general of England as Sir Rufus Isaacs. In October 1913 he was appointed lord chief justice to succeed Lord Alverstone and was elevated to the peerage in December of that year. He was one of the leading members of the Anglo-French financial commission which visited the United States in 1915. In 1916 he was created Viscount and presided at the trial of Sir Roger Casement. His last visit to the United States was in September and October, 1915. Earl Reading presided at the Anglo-American war conference in London in November and during the same month was created earl.

**Goes East.**—Arthur G. Fell left yesterday for Washington, D. C. He will make an extended visit in the east.

**Horrible Death Orgy.**  
Late comers among the Indians found little loot, and vented their disappointment by firing into the bodies of dead and wounded on the car floors. This orgy lasted nearly two hours, passengers said.

Meanwhile the engineer and fireman had taken the locomotive and gone ahead to Mencho whence appeals for reinforcements were telegraphed back to Empalme.

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